

United State Department of Justice
Office of the U.S. Trustee
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Tyler, Texas 75702
(903) 590-1450
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In Re	§	
	§	
MD Rahabar Hossain	§	
2432 Wingren Rd., #2040	§	
Irving, TX 75062	§	
	§	Case No. 17-42049
Nadira Sultana Hossain	§	
2432 Wingren Rd., #2040	§	
Irving, TX 75062	§	
	§	
Debtors	§	Chapter 7
	§	

U.S. TRUSTEE'S *UNOPPOSED* MOTION TO DISMISS

14-DAY NEGATIVE NOTICE – LBR 1017(b):

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE PRESIDING:

COMES NOW the United States Trustee (“U.S. Trustee”) and files this Unopposed Motion to Dismiss (“Motion”) in the above-styled and numbered case (“Case”), and in support thereof would show the Court as follows:

1. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1334, 157(a), and the standing order of reference. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The predicate for the relief requested herein is Bankruptcy Code sections 727(a)(8) and 707(a).

2. On September 18, 2017, MD Rahabar Hossain and Nadira Sultana Hossain (“Debtors”) filed a voluntary petition for relief under Chapter 13 of title 11. The Case was converted to Chapter 7 on May 27, 2019. Linda Payne been appointed the Chapter 7 Trustee for this estate.

3. The Debtors each previously received a Chapter 7 discharge in a prior bankruptcy case filed in the Northern District of Texas in Case No. 10-32147 (the “Old Case”) which was filed on March 30, 2010. The Old Case was closed as a no asset case. Debtors each received a discharge in the Old Case under section 11 U.S.C. §727.

4. The Debtors are not eligible for a discharge in the current Case because they were granted a discharge in the Old Case, which was each commenced within eight years of the filing of the pending Case. *See* 11 U.S.C. § 727(a)(8). In addition, this appears to be a “no-asset” case which would provide no return to unsecured creditors. These facts constitute cause for dismissal of this Case pursuant to section 707(a).

5. Counsel for Debtors has indicated that Debtors are unopposed to dismissal.

WHEREFORE the U.S. Trustee respectfully requests the Court to dismiss the Case.

Dated: April 19, 2018

Respectfully submitted,

William T. Neary
United States Trustee
Region 6

By: /s/ John Vardeman
Timothy W. O'Neal
Asst. U.S. Trustee, TBN 15283350
John Vardeman
Trial Attorney, TBN 20496260
110 N. College Avenue, Suite 300
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the entire matrix and the following listed persons through the courts electronic notification system as permitted by Appendix 5005 II. B. 2 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than the 14th day of June, 2019.

/s/ John Vardeman

John Vardeman

Debtors

MD Rahabar Hossain
2432 Wingren Rd., #2040
Irving, TX 75062

Nadira Sultana Hossain
2432 Wingren Rd., #2040
Irving, TX 75062

Debtors' Attorney

Richard A. Pelley
905 N. Travis St
Sherman, TX 75090

Chapter 7 Trustee

Linda S Payne
Chapter 7 Bankruptcy Trustee
12770 Coit Road, Suite 541
Dallas, TX 75251-1366

Notices of Appearance

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Matrix

Attached